



General Assembly

January Session, 2009

Amendment

LCO No. 6111

SB0031206111SD0

Offered by:

SEN. COLAPIETRO, 31st Dist.

SEN. HARRIS, 5th Dist.

SEN. MAYNARD, 18th Dist.

REP. PISCOPO, 76th Dist.

REP. URBAN, 43rd Dist.

To: Senate Bill No. 312

File No. 77

Cal. No. 132

***"AN ACT CONCERNING THE SALE OF CIDER AND APPLE WINE
ON THE INTERNET."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (c) of section 30-16 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (c) A manufacturer permit for cider not exceeding six per cent
7 alcohol by volume and apple wine not exceeding fifteen per cent
8 alcohol by volume shall allow (1) the manufacture, storage, bottling
9 and wholesale distribution and sale at retail of such cider and apple
10 wine to permittees and nonpermittees in this state as may be permitted
11 by law; but no such permit shall be issued unless the place or the plan

12 of the place of manufacture has received the approval of the
13 department; and (2) the sale and shipment by the holder of such
14 permit of such cider and such apple wine to persons outside the state
15 and to consumers in this state in the same manner and subject to the
16 same conditions as such sale and shipment is permitted for wine by a
17 farm winery manufacturer permittee pursuant to subsection (e) of this
18 section. The annual fee for a manufacturer permit for cider shall be one
19 hundred sixty dollars.

20 Sec. 2. Section 30-18a of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective from passage*):

22 (a) An out-of-state winery shipper's permit for wine shall allow the
23 sale of wine to manufacturer and wholesaler permittees in this state as
24 permitted by law and for those shippers that produce not more than
25 one hundred thousand gallons of wine per year, the sale and shipment
26 by the holder thereof to a retailer of wine manufactured by such
27 permittee in the original sealed containers of not more than fifteen
28 gallons per container. For purposes of this section, "wine" shall include
29 cider not exceeding six per cent alcohol by volume and apple wine not
30 exceeding fifteen per cent alcohol by volume.

31 (b) Subject to the provisions of this subsection, an out-of-state
32 winery shipper's permit for wine shall allow the sale and delivery or
33 shipment of wine manufactured by the permittee directly to a
34 consumer in this state. Such permittee, when selling and shipping
35 wine directly to a consumer in this state, shall: (1) Ensure that the
36 shipping labels on all containers of wine shipped directly to a
37 consumer in this state conspicuously state the following: "CONTAINS
38 ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER
39 REQUIRED FOR DELIVERY"; (2) obtain the signature of a person age
40 twenty-one or older at the address prior to delivery, after requiring the
41 signer to demonstrate that he or she is age twenty-one or older by
42 providing a valid motor vehicle operator's license or a valid identity
43 card described in section 1-1h; (3) not ship more than five gallons of
44 wine in any two-month period to any person in this state and not ship

45 any wine until such permittee is registered, with respect to the
46 permittee's sales of wine to consumers in this state, for purposes of the
47 taxes imposed under chapters 219 and 220, with the Department of
48 Revenue Services; (4) pay, to the Department of Revenue Services, all
49 sales taxes and alcoholic beverage taxes due under chapters 219 and
50 220 on sales of wine to consumers in this state, and file, with said
51 department, all sales tax returns and alcoholic beverage tax returns
52 relating to such sales, with the amount of such taxes to be calculated as
53 if the sale were in this state at the location where delivery is made; (5)
54 report to the Department of Consumer Protection a separate and
55 complete record of all sales and shipments to consumers in the state,
56 on a ledger sheet or similar form which readily presents a
57 chronological account of such permittee's dealings with each such
58 consumer; (6) permit the Department of Consumer Protection and
59 Department of Revenue Services, separately or jointly, to perform an
60 audit of the permittee's records upon request; (7) not ship to any
61 address in the state where the sale of alcoholic liquor is prohibited by
62 local option pursuant to section 30-9; (8) hold an in-state transporter's
63 permit pursuant to section 30-19f or make any such shipment through
64 the use of a person who holds such an in-state transporter's permit;
65 and (9) execute a written consent to the jurisdiction of this state, its
66 agencies and instrumentalities and the courts of this state concerning
67 the enforcement of this section and any related laws, rules, or
68 regulations, including tax laws, rules or regulations.

69 (c) The Department of Consumer Protection, in consultation with
70 the Department of Revenue Services, may adopt regulations in
71 accordance with the provisions of chapter 54 to assure compliance
72 with the provisions of subsection (b) of this section.

73 (d) A holder of an out-of-state winery shipper's permit for wine,
74 when advertising or offering wine for direct shipment to a consumer in
75 this state via the Internet or any other on-line computer network, shall
76 clearly and conspicuously state such liquor permit number in its
77 advertising.

78 (e) (1) For purposes of chapter 219, the holder of an out-of-state
79 winery shipper's permit for wine, when shipping wine directly to a
80 consumer in this state, shall be deemed to be a retailer engaged in
81 business in this state as defined in chapter 219 and shall be required to
82 be issued a seller's permit pursuant to chapter 219.

83 (2) For purposes of chapter 220, the holder of an out-of-state winery
84 shipper's permit for wine, when shipping wine directly to a consumer
85 in this state, shall be deemed to be a distributor as defined in chapter
86 220 and shall be required to be licensed pursuant to chapter 220.

87 (f) Any person who applies for an out-of-state winery shipper's
88 permit for wine or for the renewal of such permit shall furnish an
89 affidavit to the Department of Consumer Protection, in such form as
90 may be prescribed by the department, affirming whether the out-of-
91 state winery that is the subject of such permit produced more than one
92 hundred thousand gallons of wine during the most recently completed
93 calendar year.

94 (g) The annual fee for an out-of-state winery shipper's permit for
95 wine shall be two hundred fifty dollars.

96 (h) As used in this section, "out-of-state" means any state other than
97 Connecticut, any territory or possession of the United States, the
98 District of Columbia or the Commonwealth of Puerto Rico, but does
99 not include any foreign country.

100 Sec. 3. (NEW) (*Effective from passage*) (a) A wine festival permit shall
101 allow the holder of a manufacturer permit for a farm winery, issued
102 pursuant to section 30-16 of the general statutes, to participate in a
103 wine festival organized and sponsored by an association that promotes
104 the manufacturing and selling of farm wine in this state or such
105 association's not-for-profit subsidiary. Such association or such
106 association's not-for-profit subsidiary shall not organize and sponsor
107 more than one such wine festival in any calendar year. The
108 Commissioner of Consumer Protection shall allow only one such wine
109 festival in any calendar year, regardless of the number of such farm

110 winery permittees or such organizing and sponsoring associations or
111 not-for-profit subsidiaries participating in such wine festival.

112 (b) A wine festival permit shall authorize: (1) The sale and shipment
113 of wine manufactured by the farm winery permittee and sold at such
114 wine festival to persons outside the state; (2) the offering and tasting of
115 free samples of wine to visitors and prospective retail customers for
116 consumption on the grounds of the wine festival; (3) the sale at retail of
117 sealed bottles or other sealed containers of wine for consumption off
118 the grounds of the wine festival; and (4) the sale at retail of wine by the
119 glass or receptacle, provided the glass or receptacle is embossed or
120 otherwise permanently labeled with the name and date of the wine
121 festival.

122 (c) No farm winery permittee may sell, offer or give to any person
123 or entity wine not manufactured by such farm winery.

124 (d) Only one wine festival permit may be issued per calendar year
125 pursuant to this section by the Commissioner of Consumer Protection
126 to each holder of a manufacturer permit for a farm winery. A wine
127 festival permit shall not be effective for more than three consecutive
128 days per calendar year. The fee for a wine festival permit shall be
129 seventy-five dollars.

130 Sec. 4. (NEW) (*Effective from passage*) (a) Notwithstanding the
131 provisions of section 30-18a of the general statutes, an out-of-state
132 person or entity holding a valid permit (1) authorizing the
133 manufacturing of farm wine; and (2) issued by another state may
134 obtain an out-of-state entity wine festival permit, to participate in an
135 out-of-state entity wine festival in this state. The Commissioner of
136 Consumer Protection shall only allow one out-of-state entity wine
137 festival in any calendar year, regardless of the number of out-of-state
138 entities participating in such festival.

139 (b) An out-of-state entity wine festival permit shall authorize in this
140 state: (1) The sale and shipment of wine manufactured by the
141 permittee and sold at such festival to persons outside the state; (2) the

142 offering and tasting of free samples of wine to visitors and prospective
143 retail customers for consumption on the grounds of the wine festival;
144 (3) the sale at retail of sealed bottles or other sealed containers of wine
145 for consumption off the grounds of the wine festival; and (4) the sale at
146 retail of wine by the glass or receptacle, provided the glass or
147 receptacle is embossed or otherwise permanently labeled with the
148 name and date of the wine festival.

149 (c) No out-of-state entity wine festival permittee shall sell, offer or
150 give to any person or entity wine not manufactured by such permittee.

151 (d) No out-of-state entity wine festival permittee shall sell, offer or
152 give to any person or entity wine manufactured by such permittee
153 unless such wine is assigned to a wholesaler permittee in this state.

154 (e) The holder of an out-of-state entity wine festival permit shall
155 disclose to each person who purchases admission to a wine festival in
156 which the holder is participating, at the time of purchase, any
157 restriction or limitation of such admission, including, but not limited
158 to, the maximum number of glasses or receptacles of wine or brandy to
159 which the purchaser is entitled by admission to the wine festival.

160 (f) Only one out-of-state entity wine festival permit may be issued
161 per calendar year pursuant to this section by the Commissioner of
162 Consumer Protection to each person or entity meeting the
163 requirements of subsection (a) of this section. An out-of-state entity
164 wine festival permit shall not be effective for more than three
165 consecutive days per calendar year. The fee for an out-of-state entity
166 wine festival permit shall be seventy-five dollars.

167 Sec. 5. Subsection (a) of section 30-48 of the general statutes is
168 repealed and the following is substituted in lieu thereof (*Effective from*
169 *passage*):

170 (a) No backer or permittee of one permit class shall be a backer or
171 permittee of any other permit class except in the case of any class of
172 airport, railroad, airline and boat permits, and except that: (1) A backer

173 of a hotel or restaurant permit may be a backer of both such classes; (2)
174 a holder or backer of a manufacturer permit for a brew pub, a
175 restaurant permit or a cafe permit may be a holder or backer of any
176 other or all of such classes; (3) a holder or backer of a restaurant permit
177 may be a holder or backer of a bowling establishment permit; (4) a
178 backer of a restaurant permit may be a backer of a coliseum permit or a
179 coliseum concession permit, or both, when such restaurant is within a
180 coliseum; (5) a backer of a hotel permit may be a backer of a coliseum
181 permit or a coliseum concession permit, or both; (6) a backer of a
182 coliseum permit may be a backer of a coliseum concession permit; (7) a
183 backer of a coliseum concession permit may be a backer of a coliseum
184 permit; (8) a backer of a grocery store beer permit may be a backer of a
185 package store permit if such was the case on or before May 1, 1996; (9)
186 a backer of a university permit may be a backer of a nonprofit theater
187 permit; (10) subject to the discretion of the department, a backer of a
188 permit provided for in section 30-33b, may be a backer of any other
189 retail on-premise consumption permit, including those permits
190 provided for in section 30-33b; (11) a backer of a nonprofit theater
191 permit may be a holder or backer of a hotel permit; (12) a holder or
192 backer of a restaurant permit may be a holder or backer of a special
193 outing facility permit; (13) a backer of a concession permit may be a
194 backer of a coliseum permit or a coliseum concession permit, or both;
195 (14) a holder of an out-of-state winery shipper's permit for wine may
196 be a holder of an in-state transporter's permit or an out-of-state entity
197 wine festival permit issued pursuant to section 4 of this act, or of both
198 such permits; (15) a holder of an out-of-state shipper's permit for
199 alcoholic liquor other than beer may be a holder of an in-state
200 transporter's permit; and (16) a holder of a manufacturer's permit for a
201 farm winery may be a holder of an in-state transporter's permit or a
202 wine festival permit issued pursuant to section 3 of this act, or of both
203 such permits. Any person may be a permittee of more than one permit.
204 A person may be a permittee under a permit provided for in section
205 30-33b and a backer of any other retail on-premise consumption
206 permit, including those permits provided for in section 30-33b. The
207 operator of a racing or jai alai exhibition with pari-mutuel betting

208 licensed by the Gaming Policy Board may be a backer of any permit
209 provided for in section 30-33b. No holder of a manufacturer permit for
210 a brew pub and no spouse or child of such holder may be a holder or
211 backer of more than three restaurant permits or cafe permits.

212 Sec. 6. Section 30-91 of the general statutes is repealed and the
213 following is substituted in lieu thereof (*Effective from passage*):

214 (a) The sale or the dispensing or consumption or the presence in
215 glasses or other receptacles suitable to permit the consumption of
216 alcoholic liquor by an individual in places operating under hotel
217 permits, restaurant permits, cafe permits, restaurant permits for
218 catering establishments, bowling establishment permits, racquetball
219 facility permits, club permits, coliseum permits, coliseum concession
220 permits, special sporting facility restaurant permits, special sporting
221 facility employee recreational permits, special sporting facility guest
222 permits, special sporting facility concession permits, special sporting
223 facility bar permits, golf country club permits, nonprofit public
224 museum permits, university permits, airport restaurant permits,
225 airport bar permits, airport airline club permits, tavern permits, a
226 manufacturer permit for a brew pub, casino permits, caterer liquor
227 permits and charitable organization permits shall be unlawful on: (1)
228 Monday, Tuesday, Wednesday, Thursday and Friday between the
229 hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between
230 the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday
231 between the hours of two o'clock a.m. and eleven o'clock a.m.; (4)
232 Christmas, except (A) for alcoholic liquor that is served where food is
233 also available during the hours otherwise permitted by this section for
234 the day on which Christmas falls, and (B) by casino permittees at
235 casinos, as defined in section 30-37k; and (5) January first between the
236 hours of three o'clock a.m. and nine o'clock a.m., except that on any
237 Sunday that is January first the prohibitions of this section shall be
238 between the hours of three o'clock a.m. and eleven o'clock a.m.

239 (b) Any town may, by vote of a town meeting or by ordinance,
240 reduce the number of hours during which sales under subsection (a) of

241 this section, except sales pursuant to an airport restaurant permit,
242 airport bar permit or airport airline club permit, shall be permissible.
243 In all cases when a town, either by vote of a town meeting or by
244 ordinance, has acted on the sale of alcoholic liquor or the reduction of
245 the number of hours when such sale is permissible, such action shall
246 become effective on the first day of the month succeeding such action
247 and no further action shall be taken until at least one year has elapsed
248 since the previous action was taken.

249 (c) Notwithstanding any provisions of subsections (a) and (b) of this
250 section, [to the contrary,] such sale or dispensing or consumption or
251 presence in glasses in places operating under a bowling establishment
252 permit shall be unlawful before two p.m. on any day, except in that
253 portion of the permit premises which is located in a separate room or
254 rooms entry to which, from the bowling lane area of the establishment,
255 is by means of a door or doors which shall remain closed at all times
256 except to permit entrance and egress to and from the lane area. Any
257 alcoholic liquor sold or dispensed in a place operating under a bowling
258 establishment permit shall be served in containers such as, but not
259 limited to, plastic or glass. Any town may, by vote of a town meeting
260 or by ordinance, reduce the number of hours during which sales under
261 this subsection shall be permissible.

262 (d) The sale or dispensing of alcoholic liquor in places operating
263 under package store permits, drug store permits, manufacturer
264 permits for beer or grocery store beer permits shall be unlawful on
265 Decoration Day, Independence Day, Labor Day, Thanksgiving Day,
266 New Year's Day, Sunday or Christmas or, if Independence Day,
267 Christmas or New Year's Day occurs on a Sunday, on the Monday next
268 following such day except that such sale or dispensing shall be lawful
269 on any Independence Day occurring on a Saturday; and such sale or
270 dispensing of alcoholic liquor in places operating under package store
271 permits, drug store permits, manufacturer permits for beer and
272 grocery store beer permits shall be unlawful on any other day before
273 eight o'clock a.m. and after nine o'clock p.m. It shall be unlawful for
274 the holder of a manufacturing permit for a brew pub to sell beer for

275 consumption off the premises on the days or hours prohibited by this
276 subsection. Any town may, by a vote of a town meeting or by
277 ordinance, reduce the number of hours during which such sale shall be
278 permissible.

279 (e) In the case of any premises operating under a tavern permit or
280 premises operating under a cafe permit, wherein, under the provisions
281 of this section, the sale of alcoholic liquor is forbidden on certain days
282 or hours of the day, or during the period when a tavern permit or cafe
283 permit is suspended, it shall likewise be unlawful to keep such
284 premises open to, or permit it to be occupied by, the public on such
285 days or hours.

286 (f) The retail sale of wine and the tasting of free samples of wine by
287 visitors and prospective retail customers of a permittee holding a
288 manufacturer permit for a farm winery on the premises of such
289 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
290 after eight o'clock p.m. and on any other day before ten o'clock a.m.
291 and after eight o'clock p.m. Any town may, by vote of a town meeting
292 or by ordinance, reduce the number of hours during which sales and
293 the tasting of free samples of wine under this subsection shall be
294 permissible.

295 (g) Notwithstanding any provision of subsection (a) of this section,
296 [to the contrary,] food or nonalcoholic beverages may be sold,
297 dispensed or consumed in places operating under an airport restaurant
298 permit, an airport bar permit or an airport airline club permit, at any
299 time, as allowed by agreement between the state of Connecticut and its
300 lessees or concessionaires.

301 (h) The sale or the dispensing or consumption or the presence in
302 glasses or other receptacles suitable to permit the consumption of
303 alcoholic liquor by an individual in places operating under a nonprofit
304 golf tournament permit shall be unlawful on any day prior to eleven
305 o'clock a.m. and after nine o'clock p.m.

306 (i) The tasting of free samples of beer by visitors of a permittee

307 holding a manufacturing permit for beer on the premises of such
308 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
309 after eight o'clock p.m. and on any other day before ten o'clock a.m.
310 and after eight o'clock p.m. Nothing in this section shall be construed
311 to limit the right of a holder of such permit to conduct manufacturing
312 operations at any time. Any town may, by vote of a town meeting or
313 ordinance, reduce the number of hours during which the tasting and
314 free samples of beer under this subsection shall be permissible.

315 (j) Nothing in this section shall be construed to require any
316 permittee to continue the sale or dispensing of alcoholic liquor until
317 the closing hour established under this section.

318 (k) The retail sale of wine and the tasting of free samples of wine by
319 visitors and prospective retail customers of a permittee holding a wine
320 festival permit or an out-of-state entity wine festival permit issued
321 pursuant to section 3 or 4 of this act shall be unlawful on Sunday
322 before eleven o'clock a.m. and after eight o'clock p.m., and on any
323 other day before ten o'clock a.m. and after eight o'clock p.m. Any town
324 may, by vote of a town meeting or by ordinance, reduce the number of
325 hours during which the retail sale of wine and the tasting of free
326 samples of wine pursuant to this subsection shall be permissible.

327 Sec. 7. (NEW) (*Effective from passage*) A permittee holding a wine
328 festival permit or an out-of-state entity wine festival permit issued
329 pursuant to section 3 or 4 of this act shall notify the chief municipal
330 law enforcement official in the municipality in which such permittee
331 intends to hold a wine festival of the dates and hours such wine
332 festival is scheduled to take place. Such notification shall be in writing
333 and shall be delivered to such official not later than seven days prior to
334 the commencement of such wine festival.

335 Sec. 8. Subsection (f) of section 30-91 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective July*
337 *1, 2009*):

338 (f) The retail sale of wine and the tasting of free samples of wine by

339 visitors and prospective retail customers of a permittee holding a
 340 manufacturer permit for a farm winery on the premises of such
 341 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
 342 after [eight] nine o'clock p.m. and on any other day before ten o'clock
 343 a.m. and after [eight] nine o'clock p.m. Any town may, by vote of a
 344 town meeting or by ordinance, reduce the number of hours during
 345 which sales and the tasting of free samples of wine under this
 346 subsection shall be permissible."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	30-16(c)
Sec. 2	<i>from passage</i>	30-18a
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	30-48(a)
Sec. 6	<i>from passage</i>	30-91
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2009</i>	30-91(f)